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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91241638
Party	Plaintiff Blue Apron, LLC
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Submission	Motion to Suspend for Settlement Discussions
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Date	02/06/2023
Attachments	Motion to Suspend Feb 6 2023.pdf(26630 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

BLUE APRON, LLC

Opposer,

v.

PUBLIX ASSET MANAGEMENT
COMPANY,

Applicant.

Opposition No. 91241638



Mark:

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Serial No. 87/643,320

MOTION TO SUSPEND FOR SETTLEMENT DISCUSSIONS

Pursuant to Trademark Rule 2.117(c), TBMP §§ 509.02 and 605.02, and the Board's June 29, 2020 Order (32 TTABVUE), Opposer Blue Apron, LLC ("Blue Apron"), with consent of Applicant Publix Asset Management Company ("Publix") (collectively, the "Parties"), requests a sixty-day extension of the deadlines in the case. The Parties contend that good cause exists to suspend this opposition proceeding.

For several months, the Parties have been negotiating terms of a resolution to the opposition proceeding, including in the context of pressures due to the pandemic. *See, e.g.*, 33, 35, 37, 39, 41, 43, 46, 48, 52, and 54 TTABVUE. In June of last year, discussions reached an unexpected impasse, and Blue Apron filing a motion to compel on June 24, 2022, in light of the upcoming close of discovery shortly after the conclusion of the suspension period. 58 TTABVUE. That motion was decided last week, on January 31, 2023. 61 TTABVUE.

In the interim, the Parties continued to discuss a potential resolution, and developed a new approach that seemed to resolve their issues. At this time, only one term (specifically, one word) is contested. While the Parties believe that they can overcome this issue, they also intend to proceed

with finishing discovery – including addressing the points raised in the Board’s January 31, 2023 order – if they cannot reach an agreement in the next 30 days.

Accordingly, to give the Parties time to finalize their agreement that would contemplate resolving this Opposition or in the alternative to finish discovery, the Parties request to suspend the opposition for an additional sixty (60) days in accordance with the following proposed schedule:

Event	Current Schedule	Proposed Schedule
Discovery Closes	2/6/2023	4/7/2023
Plaintiff’s Pretrial Disclosures Due	3/23/2023	5/22/2023
Plaintiff’s 30-Day Trial Period Ends	5/7/2023	7/6/2023
Defendant’s Pretrial Disclosures Due	5/22/2023	7/21/2023
Defendant’s 30-Day Trial Period Ends	7/6/2023	9/4/2023
Plaintiff’s Rebuttal Disclosures Due	7/21/2023	9/19/2023
Plaintiff’s 15-Day Rebuttal Period Ends	8/20/2023	10/19/2023
Plaintiff’s Opening Brief Due	10/19/2023	12/18/2023
Defendant’s Brief Due	11/18/2023	1/18/2023
Plaintiff’s Reply Brief Due	12/3/2023	2/1/2024
Request for Oral Hearing (optional) Due	12/13/2023	2/10/2024

Dated: February 6, 2023

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CERTIFICATE OF SERVICE

I hereby certify that, on February 6, 2023, I caused a true and complete copy of the foregoing Motion to Suspend for Settlement Discussions to be served on counsel of record for Applicant Publix Asset Management Company by emailing said copy to:

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